IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

CIVIL APPLICATION NO.1129 of 2005.
IN
SECOND APPEAL NO. 661 OF 2005.

Pandurang Hari Mithe,. ... Applicant.
Versus.
Kondaji Khandu Mithe & ors. ... Respondents.

Shri Salunkhe i/by Shri P.B.Shah for the Applicant.
None for the Respondent.

CORAM : ABHAY S.OKA, J.

DATED : 14th MARCH, 2006.

P.C.:

1. Heard the learned Advocate for the Applicant.

Office noting shows that the Respondents are duly served with the notice of the application.

2. The Second Appeal is admitted for final hearing.

Therefore, ad-interim relief which is already granted deserves to be continued subject to the limited modification. Hence the following order is passed:

i) There will be interim relief in terms of prayer clause (a) subject to condition that the Applicant will not create any third party interest in respect of the suit property and will not part with possession thereof in favour of any third party till final disposal of the Second Appeal.

ii) There will be no order as to costs.

Judge.